

REMARKS

Applicants submit this paper in response to the final office action dated April 23, 2009.

By way of this paper, claims 1-17 reside in the application, namely, previously submitted claims 1-15 and new claims 16-17. Support for new claims 16 and 17 are respectively found in a combination of claims 1 and 4, and in claim 14, respectively. Therefore, no new matter has been added.

In light of the present claims and the following remarks, Applicants believe that the present application is in addition for allowance and respectfully request the Office to acknowledge the same.

Amendments Proper for Entry

The accompanying claim amendments are proper for entry under 37 C.F.R. § 1.116 because they do not present new issues for search or consideration. Specifically, while new claims 16 and 17 are presented herein, these claims are mere reiterations of claims 4 and 14, which are previously presented. As such, the Examiner has already searched and considered the related subject matter.

Rejection Under 35 U.S.C. § 103

Claims 1, 5, 6 and 15 stand rejected under 35 U.S.C. § 103 as assertedly obvious over Maruhashi, *et al.* (4,393,106) in view of Heiremans, *et al.* (4,181,239), in view of Pocock, *et al.* (4,534,995). Claims 2 and 3 stand rejected under 35 U.S.C. § 103 as assertedly obvious over Maruhashi, *et al.* in view of Heiremans, *et al.* in view of Pocock, *et al.*, and further in view of Kuckertz, *et al.* (6,613,394). Claims 4 and 14 stand rejected under 35 U.S.C. § 103 as assertedly obvious over Maruhashi, *et al.* in view of Heiremans, *et al.* in view of Pocock, *et al.*, and further in view of Hostettler, *et al.* (6,017,577). Claims 2 and 13 stand rejected under 35 U.S.C. § 103 as assertedly obvious over Maruhashi, *et al.* in view of Heiremans, *et al.* in view of Pocock, *et al.*, and further in view of Vitos, *et al.* Surf Sci. 411 (1998), p. 186.

Independent claim 1 recites a method for manufacturing hollow bodies with a gas barrier coating with a coating agent including a polyvinyl alcohol base, a surface of the hollowed body subjected to a preliminary treatment to increase surface energy, it is coated

and then dried, and a multi-step preliminary treatment, where the hollow body is electrostatically discharged after the increase in surface energy. New independent claim 16 (a combination of claim 1 and claim 4) also includes additional preliminary treatment with a fat-dissolving agent, as carried out before the treatment to increase surface energy. Thus, independent claim 1 as amended and new claim 16 provide for an electrostatically discharged treatment step. That is, they are not directed to an electrical charge, to a positive or negative state, but rather to an electrical discharge, in essence to a zero state. This electrostatically discharged state is created to eliminate any electrical attraction of unwanted particulates during the barrier coating step. That is, the Applicants want no charge present at all (positive or negative) during that coating step.

As claimed, then, the method (independent claims 1 and 16) of the present application facilitates a gas barrier coating of a manufactured hollowed body that results in a body that is substantially free of unwanted particles during the coating process. That is, by having a hollowed body that is electrostatically discharged, *i.e.*, to be free from any charge (positive or negative), they can be assured that the gas barrier coating, when applied, will be to a surface of the hollowed body that is as free as possible of unwanted particulates on the surface.

Neither Maruhashi, *et al.*, Heiremans, *et al.* or Pocock, *et al.*, nor any other reference of record, discloses or suggests each and every limitation as recited in independent claims 1 and 16. For example, Maruhashi discloses a corona discharge treatment to improve wetting properties. In order to impart conductivity, the plastic bottle substrate may be subjected to a conducting treatment. Thus, Maruhashi does not disclose the step of electrostatically discharging after the surface energy has been increased, as recited in claims 1 and 16, and acknowledged by the Examiner in the Response to Arguments in the outstanding Office Action.

To the contrary, Maruhashi discloses the step of a conducting treatment, which is contrary to the step of electrostatically discharging. That is, a conducting treatment is a usual step found in most printing procedures and is done to prepare the surface to be coated or printed with electrostatic attraction properties for catching or holding particles of the coating substance. This is totally opposite from what the Applicants are seeking to achieve with the presently claimed invention.

Then, as to the Pocock, *et al.* reference, it recognizes the problem of charging the container surface, and indicates that any charge present should purportedly be neutralized. However, to do so, it actually teaches (and only teaches) applying an ionized air to create a negative charge on the hollow body; *i.e.*, it actually teaches changing the charge from a positive one to a negative one. Thus, Pocock, in any event, still leaves a charged surface to be coated and does not teach, or suggest, electrostatically discharging the container to a no-charge state after the increase in surface energy, as is done with Applicants' claimed invention. Stated another way, it is readily recognized that, for later coating purposes, something that has a negative charge (whether slight or great) is clearly different from something that has been electrostatically discharged to a no-charge state. That is, to do what is taught by Pocock will in fact create a negative charge, which then has its own significant problems in an electrostatic coating operation. That is clearly going in the wrong direction from what Applicants are seeking to achieve via the presently claimed invention.

Thus, even if a person skilled in the art would combine Pocock, *et al.* with Maruhashi, *et al.*, in any event, a charged surface to be coated would still remain. Applicants do not have such a deficient status with their resulting method.

Accordingly, neither Maruhashi, Heiremans, Pocock, nor any other reference of record, discloses or suggests each and every limitation recited in independent claims 1 and 16.

Because dependent claims 2-15 depend upon what Applicants argue above as patentably distinct in independent claim 1, it is submitted that those dependent claims are likewise allowable.

Finally, new claim 16, which is a combination of the subject matter of claims 1 and 4, is considered patentably distinct because none of the cited references, or any others known to Applicants, disclose or suggest each and every limitation of that claim. Further, new claim 17, comprising the subject matter of claim 14, as now dependent on claim 16, is similarly considered patentably distinct.


In light of the foregoing, none of the references of record disclose or suggest each and every limitation of independent claims 1 and 16, and therefore Applicants kindly request the Examiner to reconsider or withdraw the outstanding obviousness rejections.

CONCLUSION

Applicants believe that each of the outstanding rejections, objections and/or other concerns have either been accommodated, traversed or rendered moot. Therefore, the application is considered in condition for allowance. Should there be any outstanding issue that the Office believes may be remedied via telephone conference, please contact the undersigned at (312) 474-6300.

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